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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,469	11/28/2006	Yim-Bun Patrick Kwan	72261.43	1165
6/6/474 7590 07/28/2009 GRAY ROBINSON, P.A. P.O. Box 2328 FT. LAUDERDALE, FL 33303-9998				
EXAMINER THOMAS, BRANDIN				
ART UNIT 2873		PAPER NUMBER		
MAIL DATE 07/28/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,469

Applicant(s)

KWAN ET AL.

Examiner

BRANDI N. THOMAS

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-36 is/are pending in the application.
4a) Of the above claim(s) 20-22 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 23-36 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-850)
Paper No(s)/Mail Date 7/7/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 23-36 in the reply filed on 5/1/09 is acknowledged.
2. Claims 20-22 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/1/09.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. Acknowledgement is made of receipt of Information Disclosure Statement(s) (PTO-1449) filed 7/7/06. An initialed copy is attached to this Office Action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 23-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Eurlings et al. (6833907 B2).

Regarding claim 23, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein by means of a feeder device (12, exchanger) at least one optical element (10) can be interchangeably inserted into the beam path and removed therefrom (col. 9, lines 18-24), said optical element (10) which can be inserted into the beam path and removed therefrom being dynamically substantially decoupled from the remaining optical elements (12, 14, 16, 18, 20, and 22) of the optical assembly (figure 1) (col. 9, lines 18-24).

Regarding claim 24, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein an opening adapted to the dimensions of the optical element (10) which can be inserted into the beam path and removed therefrom is provided in a housing of the optical assembly (figure 1) (col. 9, lines 13-17).

Regarding claim 25, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein said feeder device (12) is dynamically decoupled from the optical assembly (figure 1) and is connected to a structure dynamically decoupled from the optical assembly (figure 1) (col. 9, lines 18-24).

Regarding claim 26, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a

projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein said dynamically decoupled optical element (10) can be positioned and/or fixed in the beam path via a lifting device (12) (col. 9, lines 18-24).

Regarding claim 27, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein said lifting device (12) is dynamically decoupled from the optical assembly (figure 1) and connected to the structure dynamically decoupled from the optical assembly (figure 1) (col. 9, lines 18-24).

Regarding claims 28-30, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein a holding device is provided as stop and/or for fixing said dynamically decoupled optical element in the beam path. It is inherent that the lens would be held by a holding means this being reasonably based upon the lens being maintained at a particular position to receive the beam.

Regarding claim 31, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein spring elements are provided between said lifting device (12) and said dynamically decoupled optical element (10) (the exchanger may comprise any suitable for means for inserting and removing the optical element) (col. 9, lines 18-24).

Regarding claim 32, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein said feeder device and/or said lifting device (12) are arranged outside the optical assembly (figure 2).

Regarding claim 33, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein said dynamically decoupled optical element (10) can be manipulated by means of actuators (col. 9, lines 18-24).

Regarding claim 34, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22), wherein said dynamically decoupled optical element (10) is designed as a diaphragm, in particular a revolving disc diaphragm (col. 9, lines 18-24).

Regarding claims 35 and 36, Eurlings et al. discloses, in figures 1 and 2, an optical assembly (figure 1) having a plurality of optical elements (10, 12, 14, 16, 18, 20, and 22) forming a projection objective or an illuminating system (IL) and a beam path produced therein (col. 8, lines 20-22) but does not specifically disclose wherein it is used in a projection exposure machine for microlithography in the field of EUVL for producing semiconductor components. It has been held that a recitation with respect to the manner in which a claimed apparatus is

intended to be employed does not differentiated the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations (Ex parte Mashim, 2 USPQ2d 1647 (1987)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI N. THOMAS whose telephone number is (571)272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandi N Thomas/
Examiner
Art Unit 2873

BNT

/Ricky L. Mack/
Supervisory Patent Examiner, Art Unit 2873